

REMARKS

Claims 25-30 and 56-61 have been cancelled. Claims 68 and 69 are newly added. Accordingly, claims 1-24, 31-55, and 62-69 remain in this application.

Rejections Under 35 USC § 103

Applicants respectfully traverse the Examiner's rejection of claims 1-7, 9, 11, 14, 16-17, 19-20, 25-41, 43, 48, 50-51, 53-54, and 56-67 as being unpatentable over Gladfelter et al. (US 6,309,721) in view of Cook, II (US 2003/0012944). The combination is believed to be improper, as there is no teaching, suggestion or motivation within either reference to make the combination, and even there were, the combined result still fails to arrive at Applicants claimed structure. Accordingly, Applicants believe the Examiner has failed to establish a proper prima facie case of obviousness, and thus, believe the rejection should be withdrawn. Regardless, Applicants have amended claim 1 to more clearly recite structure that is believed to define patentable subject matter over all the cited references, whether considered separately or in combination with one another, where proper combination is available.

As amended, claim 1 recites a composite sheet capable of reflecting radiant energy, wherein the sheet has a reflective layer with a reflective surface and a polymeric heat shapeable netting layer overlying its opposite surface. The netting layer has a plurality of first elongated members positioned in spaced apart relation to one another and a plurality of second elongated members oriented angularly to and crossing the first elongated members and being positioned in spaced apart relation to one another. The first and second elongated members define a plurality

of enclosed interstices in the netting layer, wherein the netting layer is biasable in at least one direction, and a damping layer overlies the netting layer.

In contrast, Gladfelter et al., assigned to Applicants assignee herein, does not provide a sheet having a netting layer as recited by Applicants. Rather, Gladfelter et al. provides a sleeve with a continuous monofilament 14 of bendable material, such as a resilient metal wire or a resiliently setttable polymeric material. The monofilament is first bent into a serpentine shape and then about a long axis, as shown in Figures 1 and 3 (Col. 3, lines 1-10). Where a polymeric material is used, the monofilament is formed by application of heat during bending to provide the serpentine shape, and then it is bent about its longitudinal axis to assume a C-shaped cross-section with further application of heat. (Col. 3, lines 35-40). One stated purpose of the serpentine shaped monofilament 14 is to provide the sleeve with the ability to be bent around relatively sharp corners without kinking, while also providing high hoop strength to prevent damage to the items being protected (Col. 5, lines 6-15). The serpentine shape of the monofilament is further detailed in the Abstract, and the benefits provided thereby are further discussed in the Summary (Col. 1, lines 48-55).

Accordingly, any attempt by the Examiner to modify the serpentine shape of the monofilament in Gladfelter et al. to attain the netting layer as recited by Applicants would destroy the very essence of its teaching. As such, the combination of Gladfelter et al with Cook, II is believed improper.

Regardless, Cook, II does not provide any assistance in arriving at Applicants claimed structure. Cook, II discloses a reflective insulating material 1 having a mesh material made from almost any metal (paragraph [0014]). The mesh material is further disclosed as galvanized metal

(paragraph [0022]), and as providing the structural strength of the material in use, and preferably being made of galvanized steel or aluminum (paragraph [0026]). Accordingly, Cook, II does not provide any assistance in guiding one having ordinary skill in the art to the Applicants claimed structure, let alone one having a polymeric netting layer, as recited. Rather, Applicants contend that one skilled in the art, upon viewing Cook, II, would be led away from Applicants claimed structure having a polymeric netting layer.

Accordingly, Applicants respectfully believe that amended claim 1 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 2-24 are dependent upon base claim 1, and thus, are believed to define patentable subject matter for at least the same reasons, and to be in proper form for allowance. Regardless, claim 12 has been amended to more clearly recite the claimed first and second elongated members of the polymeric netting layer as being formed as a single piece of material and intersecting one another, which is neither taught nor suggested in any of the cited references. Further, claim 13 recites the first elongated members as having a greater bending stiffness than the second elongated members, and claim 22, which is dependent directly on claim 13, and ultimately on claim 1, has been amended to further recite the sheet as being heat shaped and resiliently biased into a tube defining a central space, which is neither taught nor suggested in any of the cited references. Accordingly, allowance of all these claims is respectfully requested.

Claim 31 has been amended to more clearly recite structure which is believed to define patentable subject matter over all the cited references, whether considered separately or in combination with one another, where proper combination is available. As amended, claim 31 recites a composite heat shaped sleeve for receiving elongated items. The sleeve has a sidewall

surrounding and defining a central space for receiving the elongated items. The sidewall has a reflective surface and an opposite surface and a polymeric netting layer overlying the opposite surface of the sidewall. The netting layer has a plurality of first elongated members positioned in spaced apart relation to one another and a plurality of second elongated members oriented angularly to and crossing the first elongated members and positioned in spaced apart relation to one another. The first and second elongated members define a plurality of enclosed interstices in the netting layer, with the netting layer being resiliently biasable in at least one direction, and a damping layer overlies the netting layer.

Applicants contend that amended claim 31 defines patentable subject matter for at least the same reasons stated above in support of claim 1, in that Gladfelter et al. nor Cook, II teach or suggest the structure as recited in amended claim 31. Accordingly, Applicants believe amended claim 31 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 32-55 are ultimately dependent upon amended claim 31, and thus, are believed to define patentable subject matter for at least the same reasons, and to be in proper form for allowance. Such action is respectfully requested.

Claim 62 has been amended to more clearly recite structure which is believed to define patentable subject matter over all the cited references, whether considered separately or in combination with one another, where proper combination is available. As amended, claim 62 recites a composite sheet capable of reflecting radiant energy. The composite sheet has a flexible resilient first layer having first and second surfaces oppositely disposed and a metallized film layer overlying the first surface of the first layer. A metal foil layer overlies the metallized film

layer, and a polymeric netting layer overlies the second surface of the first layer. The netting layer has a plurality of first elongated members positioned in spaced apart relation to one another and a plurality of second elongated members oriented angularly to and intersecting the first elongated members and positioned in spaced apart relation to one another. The first and second elongated members defining a plurality of enclosed interstices in the netting layer, wherein the netting layer is biasable in at least one direction.

Applicants contend that amended claim 62 defines patentable subject matter for at least the same reasons stated above in support of claim 1, in that Gladfelter et al. nor Cook, II teach or suggest the structure as recited in amended claim 62. Accordingly, Applicants believe amended claim 62 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 63 and 64 are ultimately dependent upon amended claim 62, and thus, are believed to define patentable subject matter for at least the same reasons, and to be in proper form for allowance. Such action is respectfully requested.

Claim 65 has been amended to more clearly recite structure which is believed to define patentable subject matter over all the cited references, whether considered separately or in combination with one another, where proper combination is available. As amended, claim 65 recites a composite sheet capable of reflecting radiant energy. The sheet has a flexible resilient first layer having first and second surfaces oppositely disposed. A metallized film layer overlies the first surface of the first layer and a metal foil layer overlies the second surface of the first layer. A polymeric netting layer overlies the metal foil layer, with the netting layer having a plurality of first elongated members positioned in spaced apart relation to one another and a

plurality of second elongated members oriented angularly to and crossing the first elongated members and positioned in spaced apart relation to one another. The first and second elongated members defining a plurality of enclosed interstices in the netting layer, with the netting layer being biasable in at least one direction.

Applicants contend that amended claim 65 defines patentable subject matter for at least the same reasons stated above in support of claim 1, in that Gladfelter et al. nor Cook, II teach or suggest the structure as recited in amended claim 65. Accordingly, Applicants believe amended claim 65 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

Claims 66 and 67 are ultimately dependent upon amended claim 65, and thus, are believed to define patentable subject matter for at least the same reasons, and to be in proper form for allowance. Such action is respectfully requested.

Claim 68 has been added and provides method of constructing a sleeve having a sidewall surrounding and defining a central space for receiving and protecting elongated items. The sidewall has a reflective surface and a polymeric netting layer overlying an opposite surface. The netting layer has a plurality of first elongated members positioned in spaced apart relation to one another and a plurality of second elongated members crossing the first elongated members and positioned in spaced apart relation to one another. The first and second elongated members defining a plurality of enclosed interstices in the netting layer, with the netting layer being resiliently biasable in at least one direction, and having a damping layer overlying the netting layer. The method comprises heat shaping the sidewall into a resiliently biased tubular shape.

Applicants contend that newly added claim 68 defines patentable subject matter for at least the same reasons stated above in support of claim 1, in that Gladfelter et al. nor Cook, II teach or suggest the method as recited in claim 68. Accordingly, Applicants believe claim 68 defines patentable subject matter and to be in proper form for allowance. Such action is respectfully requested.

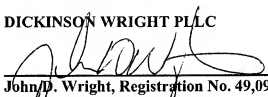
Claim 69 is newly added, and is dependent upon new claim 68, and thus, is believed to define patentable subject matter for at least the same reasons, and to be in proper form for allowance. Such action is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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